

(2009) 12 DEL CK 0068

In the Delhi High Court

Case No : LA. App. No. 229 of 2009

Shri Om Prakash (Deceased)

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 03-12-2009

Acts Referred:

Land Acquisition Act, 1894 — Section 18, 4, 6

Citation : (2009) 12 DEL CK 0068

Hon'ble Judges : S.L. Bhayana, J

Bench : Single Bench

Advocate : S.K. Rout and M.K. Pradhan, for the Appellant; Sanjay Poddar, for R-1/UOI and Shobhna Takiar, for R-2, for the Respondent

Judgement

S.L. Bhayana, J.—The appellants have preferred the present appeal against the judgment and decree dated 24.03.2007, passed by the Additional District Judge, Delhi in LAC No. 7/98.

2. The brief facts of the case are that Vide Notification No. f10(6)88/L&B, dated 06.06.1991, issued u/s 4 of the Land Acquisition Act, 1894 (for short ?the Act?) large tract of land situated in revenue village Kakrola was notified for acquisition for public purpose viz. ?for the planned development of Delhi.? It was followed by declaration u/s 6 of the Act and thereafter Award No. 1/93-94 came to be passed by the Land Acquisition Collector. The total land of this village acquired was 8723 bighas and 16 biswas. In the award, the Land Acquisition Collector classified the lands into three categories. He awarded Rs. 96,875/-per bigha for Block ?A. land. For determining this market value, he followed the recommendations of the Joint Secretary (Land & Building), Delhi Administration contained in letter dated 03.05.1990. The LAC fixed the minimum price of Block-B land at Rs. 38,000/- per bigha, whereas for the land falling in Block-C, the market value was fixed at Rs. 32,000/- per bigha.

3. The appellants not satisfied with the said fixation of the market value of their land sought reference u/s 18 of the Act before the learned Additional District

Judge in LAC No. 7/1998. The learned ADJ answered the reference vide his judgment dated 06.05.2003. He did away with the categorization of the land into three blocks and fixed uniform market value for the entire land. As per the said award it was decided that the fair price and market value of the land in dispute as on the date of the notification was Rs. 1,25,000/- per bigha. The land owner as well as Union of India challenged the said award by filing appeal before this Court, whereby award dated 06.05.2003 passed by the learned ADJ was set aside and the matters were remanded back to the reference Court with a direction to adjudicate the matter afresh after allowing the parties to lead further evidence.

4. The learned ADJ decided the reference vide his Award dated 24.03.2007 fixing the market value of the land in question at Rs. 1,09,500/- per bigha.

5. Aggrieved by the said Award, the appellants preferred the present appeal challenging the order dated 24.03.2007 passed by the learned ADJ.

6. Heard learned Counsel for the parties and perused the record.

7. Leaned counsel for the appellants, at the very outset, submits that the issue had already come up for consideration before the Division Bench of this Court in the case of Ved Prakash and Ors. v. UOI (LA.A. No. 673 of 2008) and other connected matters decided on 23.10.2008 whereby the abovesaid notification was challenged by some of the land owners of the village Kakrola. While partly allowing the appeals of the land owners the Division Bench has passed the following order:

On this reckoning, we are of the opinion that the market price of the land in question as on 3.5.1990 should be Rs. 96,875+Rs.9,685. In this manner, as on 3.5.1990, the market value would be Rs. 1,06,560/-. We are of the opinion that the learned ADJ rightly held that appreciation of 13 months @ 12% is to be given. By applying this formula, the market value of the land as on date of notification u/s 4 of the Act would be Rs. 1,20,500/- per bigha.

In these circumstances, the appeals of the land owners are partly allowed by enhancing the compensation from Rs. 1,09,500/- to Rs. 1,20,500/-. These appeals are allowed in the aforesaid manner with proportionate costs. The appellants shall also be entitled to all other statutory benefits, as awarded by the learned ADJ. All the pending applications also stand disposed of. As a consequence, the appeals preferred by the UOI are also dismissed.

8. In view of the order passed by the Division Bench in the case of Ved Prakash (supra), the appeal is also partly allowed by enhancing the compensation from Rs. 1,09,500/- to Rs. 1,20,500/-.

9. Vide order dated 12.05.09, the appellants has already conceded that they will not claim any interest for 505 days as there was delay in filing this appeal by the appellants. The application for condonation of delay in filing the appeal was allowed subject to the condition that they will not claim interest for this period of

505 days. In this view of the matter, the appellants are not entitled for any interest for 505 days in filing the appeal and also the costs of the suit. However, the appellants shall be entitled to all other statutory benefits, as awarded by the learned ADJ.

10. The appeal along with all pending applications stands disposed of.